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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

THOMAS E. PEREZ, Secretary of Labor,  
 United States Department of Labor,

Plaintiff,

v.

LOCAL 872, LABORERS  
 INTERNATIONAL UNION OF NORTH  
 AMERICA,

Defendant.

Case No. 2:15-cv-01979-GMN-CWH

**[PROPOSED] PROTECTIVE ORDER**

Defendant has indicated that it will take the deposition of non-party Martin Trujillo on November 2, 2016. The parties jointly request entry of this proposed Protective Order to limit the disclosure, dissemination, and use of the stenographic, video, or audio record of Trujillo's deposition.

According to the Complaint, on April 18, 2015, election officials disqualified Trujillo as a candidate for vice president in its April 18, 2015 union officer election, after determining he was not literate and had not established his legal residency status. It is anticipated that Trujillo's literacy will be examined during the deposition. A concern has arisen among the parties that the transcript or video recording of the deposition may be intentionally publicized to negatively affect Trujillo's employment, ability to participate in union leadership, and otherwise cause annoyance, embarrassment, oppression, or undue burden to Trujillo or others similarly situated.

Good cause exists to enter this order to prevent improper dissemination of the record of Trujillo's deposition. Accordingly, for good cause shown, pursuant to Fed. R. Civ. P. 26(c) the

1 Court hereby enters the following protective order:

2 NOW, THEREFORE, it is hereby ORDERED:

3 1. Nothing in this Order is intended to affect the rights and duties of the parties  
4 pursuant to the Federal Rules of Civil Procedure or the District of Nevada Local Rules.

5 2. This Order shall apply to the stenographic, video, or audio record of the  
6 deposition of Martin Trujillo (the "the Deposition Record"), any copies, excerpts, or  
7 reproductions thereof.

8 3. The Deposition Record or portions thereof may be used for any proper purpose in  
9 any pleading, hearing, filing, or trial in this case.

10 4. The Deposition Record may be used to prepare for and conduct discovery, to  
11 prepare for trial, or otherwise conduct litigation in this case.

12 5. The Deposition Record may be disclosed as required by any law, regulation, or  
13 court order.

14 6. The Deposition Record shall not be used for any other purpose without prior  
15 authorization from the Court.

16 7. Except as permitted by this order, the Deposition Record shall be disclosed only  
17 to:

- 18 a. Undersigned Counsel and other retained or in-house counsel for the parties;
- 19 b. Outside experts or consultants retained by outside counsel for purposes of  
20 this litigation;
- 21 c. Secretarial, paralegal, clerical, duplicating, and data processing personnel of  
22 the foregoing whose duties and responsibilities require access to the  
23 Deposition Record for purposes of conducting this litigation or maintaining  
24 records in the ordinary course of business.
- 25 d. The court and court personnel;
- 26 e. A deponent in this action;
- 27 f. Vendors retained by or for the parties to assist in preparing for pretrial  
28 discovery, trial and/or hearings including but not limited to court reporters,

1 litigation support personnel, jury consultants, individuals to prepare  
2 demonstrative and audiovisual aids for use in the courtroom, in depositions,  
3 or in mock jury sessions, as well as their staff, stenographic, and clerical  
4 employees whose duties and responsibilities require access to such Material;  
5 and

6 g. The parties. In the case of parties that are corporations, agencies, or other  
7 entities, “party” means officers, employees, or agents, including officers of  
8 the International who are required to participate in decisions with reference  
9 to this litigation.

10 8. In addition to the above, any member or official of the Laborer’s Union Local 872  
11 may view the official stenographic record in written form (“the Written  
12 Transcript) of the deposition upon the following conditions:

- 13 a. The member shall request an opportunity from an Union official to  
14 view the Written Transcript;
- 15 b. The member or official shall not make copies, reproductions,  
16 photographs, recordings, transcriptions, or any other means of  
17 disseminating the content of the Written Transcript.
- 18 c. Prior to viewing the Written Transcript, the member or official shall  
19 sign a “Access Log” including his or her name, each date on which the  
20 Written Transcript was viewed, and a certification that he or she is  
21 aware that this Court order prohibits dissemination of the Deposition  
22 Record;
- 23 d. The Defendant shall maintain the “Access Log” as part of its business  
24 records for no less than 5 years and provide reasonable access for  
25 inspection and copying by the United States Attorney’s Office upon  
26 Written Request to Defendant’s counsel or business officer.

27 9. Except as permitted by this order, the Deposition Record shall not be  
28 disseminated, copied, published, posted, shared, or otherwise disclosed in any manner

1 including electronically, for any other purpose without prior authorization from this Court  
2 or as otherwise required by law.

3 Dated this 31<sup>st</sup> day of October 2016.

Dated this 31<sup>st</sup> day of October 2016.

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5 LAW OFFICES OF KRISTINA L. HILLMAN

BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney General  
DANIEL G. BOGDEN  
United States Attorney

6  
7 /s/ Kristina Hillman  
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*Attorneys for United States Department of Labor*

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16 DATED: November 1, 2016

IT IS SO ORDERED:

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18 UNITED STATES DISTRICT JUDGE  
19 UNITED STATES MAGISTRATE JUDGE  
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